

THURSDAY, MAY 13, 1999

THIRTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Edgar Lee Adamson, Paris, Tennessee.

Representative Ridgeway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hassell; personal reasons.

Representative Langster; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 181: Rep(s). Hargett, Todd, Pleasant, Black, Bunch and Maddox as prime sponsor(s).

House Bill No. 585: Rep(s). Godsey and Mumpower as prime sponsor(s).

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House Bill No. 761: Rep(s). Ford and Patton as prime sponsor(s).

House Bill No. 1254: Rep(s). Bunch, Goins, Hargett, Todd, Baird, Beavers, Black and McCord as prime sponsor(s).

House Bill No. 1399: Rep(s). Phillips as prime sponsor(s).

House Bill No. 1442: Rep(s). Bowers, Cooper, Kernell, Turner (Hamilton), Godsey, Montgomery and Brown as prime sponsor(s).

House Bill No. 1772: Rep(s). Black and Sands as prime sponsor(s).

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 341, 342, 343, 353, 354, 355, 356 and 357; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 341 -- Memorials, Recognition - Memphis Kemet Jubilee. by *Dixon, *Harper.

Senate Joint Resolution No. 342 -- Memorials, Death - Juanita Meeks Helton. by *Dixon.

Senate Joint Resolution No. 343 -- Memorials, Retirement - Dr. Joseph E. Johnson, President, University of Tennessee. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 353 -- Memorials, Academic Achievement - Tara Michelle Forrest, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 354 -- Memorials, Academic Achievement - Lessa LaFever, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 355 -- Memorials, Academic Achievement - Rebecca M. Patenaude, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 356 -- Memorials, Academic Achievement - Sherrie Crouch, Salutatorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 357 -- Memorials, Recognition - Clarksville High School JROTC. by *Kurita.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 358; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 358 -- Memorials, Personal Occasion - Thurman Lavender, 102nd birthday. by *Davis L.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 360; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 360 -- Memorials, Interns - Mason Wilson. by *Kyle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 688; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1825.

The Senate nonconcurred in House Amendment(s) No(s). 1 and 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1594; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1290; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill No. 1031.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 17, 1999:

House Resolution No. 57 -- Memorials, Sports - 1998-1999 Maury Middle School boys' basketball team. by *Roach.

House Resolution No. 58 -- Memorials, Interns - Phillip Chockley. by *McDaniel.

House Joint Resolution No. 236 -- Memorials, Personal Occasion - Woodland Mills, 50th year class reunion. by *Caldwell, *Pinion, *Maddox.

House Joint Resolution No. 237 -- Memorials, Academic Achievement - Michael Jason Williams, Claiborne County High School Salutatorian. by *Goins.

House Joint Resolution No. 238 -- Memorials, Academic Achievement - Misty Dawn Henard, Valedictorian, Claiborne County High School. by *Goins.

House Joint Resolution No. 240 -- Memorials, Academic Achievement - Ryan Capell Gardner, Valedictorian, Columbia Academy. by *Sands.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 17, 1999:

Senate Joint Resolution No. 263 -- Memorials, Sports - Cordova High School Pom Team, Junior Varsity National Champions. by *Person, *Leatherwood.

Senate Joint Resolution No. 264 -- Memorials, Death - Muriel Spoden. by *Ramsey, *Henry, *Crowe.

Senate Joint Resolution No. 275 -- Memorials, Public Service - Korean War Veterans, 6147th Tactical Group "Mosquitos.". by *Crowe.

Senate Joint Resolution No. 276 -- Memorials, Academic Achievement - Sarah Beth Birdwell, Valedictorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Jameel Clark, 1999 Salutatorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 278 -- Memorials, Academic Achievement - Tracie Lea Lewis, 1999 Salutatorian, Ezell-Harding Christian High School. by *Rochelle.

Senate Joint Resolution No. 280 -- Memorials, Retirement - Ollie Keller. by *Clabough, *Atchley, *McNally, *Springer, *Henry, *Cohen.

Senate Joint Resolution No. 341 -- Memorials, Recognition - Memphis Kemet Jubilee. by *Dixon, *Harper.

Senate Joint Resolution No. 342 -- Memorials, Death - Juanita Meeks Helton. by *Dixon.

Senate Joint Resolution No. 353 -- Memorials, Academic Achievement - Tara Michelle Forrest, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 354 -- Memorials, Academic Achievement - Lessa LaFever, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 355 -- Memorials, Academic Achievement - Rebecca M. Patenaude, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 356 -- Memorials, Academic Achievement - Sherrie Crouch, Salutatorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 357 -- Memorials, Recognition - Clarksville High School JROTC. by *Kurita.

Senate Joint Resolution No. 360 -- Memorials, Interns - Mason Wilson. by *Kyle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1979 -- Gallatin - Subject to local approval, increases maximum fine from \$50.00 to \$500; allows city to construct and operate cable communications system; provides assistant fire chief position to be appointed by fire chief, subject to confirmation by mayor and aldermen. Amends Chapter 67 of the Private Acts of 1953; as amended. by *Black, *McDonald.

DELAYED BILLS REFERRED

May 13, 1999

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1982, was/were referred to the Delayed Bills Committee.

House Bill No. 1982 -- Taxes, Hotel Motel - Exempts Rutherford County from limitations which prevent municipalities located in county from enacting hotel/motel tax if county has enacted such tax. - Amends TCA Section 67-4-1425. by *Eckles, *Hood, *Beavers. (*SB1974 by *Womack)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 93** -- Sunset Laws - Tennessee medical laboratory board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29. by *Springer. (HB370 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 94** -- Sunset Laws - Board of veterinary medical examiners, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 12. by *Springer. (HB369 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 95** -- Sunset Laws - Board of registration in podiatry, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 3. by *Springer. (HB377 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 96** -- Sunset Laws - Board of osteopathic examination, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 9. by *Springer. (HB348 by *Kernell, *Garrett, *Brooks)

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***Senate Bill No. 97** -- Sunset Laws - Board of examiners for nursing home administrators, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 16. by *Springer. (HB378 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 99** -- Sunset Laws - Board of medical examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 6. by *Springer. (HB349 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 101** -- Sunset Laws - Board of optometry, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 8. by *Springer. (HB350 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 103** -- Sunset Laws - Board of dietitian/nutritionist examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 25. by *Springer. (HB380 by *Kernell, *Garrett, *Brooks)

Senate Bill No. 1412 -- Tennessee Wildlife Resources Agency - Requires reciprocal agreements relative to wildlife violations to take effect 30 days after TWRA publishes agreement; authorizes executive director to suspend or reinstate privileges under reciprocal agreement relative to wildlife violations. Amends TCA Section 70-1-302 and Section 70-1-305. by *Rochelle. (*HB1024 by *Jackson)

Senate Bill No. 1618 -- Motor Vehicles - Adds forcing of franchisee by manufacturer to use reconditioned parts in warranty repairs without disclosing such to owner or lessee sufficient grounds for denial, suspension or revocation of motor vehicle dealer license. Amends TCA Title 55, Chapter 17, Part 1. by *Person. (*HB1164 by *Ferguson)

Senate Bill No. 1774 -- Municipal Government - Creates, under Convention Center and Tourism Development Financing Act, option of ceasing apportionment and distribution of incremental increases due to public use facility after 30 years if such 30 year period earlier than other cessation events described under present law. Amends TCA Section 7-88-106. by *Atchley. (*HB1852 by *Armstrong, *McDaniel)

Senate Bill No. 1880 -- Claims Commission, Tennessee - Redefines "state employees" to add board members, staff and volunteers of child advocacy centers that meet start-up or continuation funding requirements under TCA 9-6-123 and perform certain duties, for certain defense and claims commission purposes; does not apply to contractual and percentage basis employees, nor does it confer any other type of benefit. Amends TCA Title 8, Chapter 42, Part 1. by *Crutchfield. (*HB1479 by *Jones, S.)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1976 -- Tusculum -- Local Bill Held on House Desk

House Bill No. 1977 -- Smyrna -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 13, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 17, 1999**: House Bill(s) No(s). 136, 911, 792, 1208, 1814, 1856, 415, 505, 343, 344, 347, 362, 384, 390, 391 and 395.

The Committee also set the following bill(s) on the **Regular Calendar for May 19, 1999**: House Bill(s) No(s). 1317, 1318, 1319, 1321, 339, 348, 349, 352, 357, 359, 369, 366, 377, 378, 1776, 1734, 1540, 1455, 1965, 1860, 1857, 1861, 1869, 1875, 1895, 1917, 1683, 1577, 1528 and 1676.

The Committee further reports that the following bill(s) have been set on the **Regular Calendar for May 24, 1999**: House Bill(s) No(s). 951.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 17, 1999**: House Bill(s) No(s). 1670, 1604, 962, 1815, 874, 876, House Joint Resolution(s) No(s). 211 and 191.

The Committee also set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 19, 1999**: House Bill(s) No(s). 1784, 371, 1316, 1530, 740, 903, 350, 368, 370 and 1369.

The Committee further reports that House Bill No. 1820 was referred to the Budget Subcommittee.

CONSENT CALENDAR

House Resolution No. 55 -- Memorials, Personal Occasion - W. C. and Margaret Duggin, fiftieth wedding anniversary. by *Hood.

House Joint Resolution No. 229 -- Memorials, Public Service - Bill M. Jones. by *Whitson.

House Joint Resolution No. 232 -- Memorials, Interns - Thomas Erick Rucker. by *Robinson, *Fowlkes, *White.

House Joint Resolution No. 233 -- Memorials, Heroism - Henry Lewis Phillips. by *Fowlkes.

House Joint Resolution No. 234 -- Memorials, Recognition - Mildred Grissim, special education assistant. by *Sands.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 585** -- Firearms and Ammunition - Reserves exclusively to state right to sue and recover damages from firearms and ammunition manufacturers for lawful sale of firearms and ammunition; pre-empt local regulation of gun shows Amends TCA Title 39, Chapter 17, Part 13. by *Bittle, *Buck, *Jackson, *Buttry, *Newton, *Tidwell, *Gunnels, *Pleasant, *Walker (Rhea), *McKee, *Montgomery, *Davis (Washington), *Sands, *Walley, *Hargett, *Davis (Cocke), *Scroggs, *Wood, *Ridgeway, *Roach, *Beavers, *Ford S, *Hagood, *McCord. (SB1523 by *Ramsey)

Further consideration of House Bill No. 585 previously considered on April 29, 1999, at which time it was reset for today's Calendar.

Rep. Bittle requested that House Bill No. 585 be moved to the heel of the Calendar.

***House Bill No. 673** -- Insurance, Health, Accident - Requires certain entities to designate physician licensed in Tennessee as medical director, responsible for treatment policies and utilization management and to ensure certain service delivery decisions are made by doctor or licensed person and to limit retrospective denial of coverage; noncompliance is basis for certificate of authority action. Amends TCA Title 56. by *Caldwell, *Hargrove, *Naifeh, *DeBerry L, *Rinks, *Williams (Williamson), *Arriola, *McDonald, *Kisber, *Armstrong, *Turner (Shelby), *Lewis, *Stulce, *Sands, *Davidson, *Pinion, *Jones, S., *Ridgeway, *Bone, *Robinson, *Ferguson, *Brooks, *Tindell, *Eckles, *Newton, *Scroggs, *West, *Hood, *Fraleigh, *Miller L, *Maddox, *Pruitt, *Winningham, *Hargett, *Pleasant, *Cooper B, *Ford S, *Brown, *Langster, *Dunn, *Sargent, *Givens, *Patton, *White, *Fitzhugh, *Jackson, *Hagood, *Black. (SB1117 by *Cooper)

Further consideration of House Bill No. 673 previously considered on March 24, 1999, April 29, 1999 and May 6, 1999, at which time it was reset for today's Calendar.

Rep. Caldwell moved that House Bill No. 673 be passed on third and final consideration.

Rep. Rhinehart requested that Commerce Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Caldwell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 673 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, title 56, chapter 32, part 2, is amended by adding a new section thereto, as follows:

Section ____.

(a) An entity that is regulated under this part, including any that may also be regulated under Chapter 29 of Title 56 and expressly including TennCare Managed Care Organizations ("MCOs") and Behavioral Health Organizations ("BHOs"), shall designate a physician licensed to practice in this state to serve as medical director for medical services provided in Tennessee by such entity. An entity whose medical director is not a licensed physician in Tennessee as of the effective date of this act shall be deemed to be in compliance with this section if such medical director applies for licensure with the board of medical examiners within thirty (30) days of the effective date of this act. If the application for licensure is denied, such period of deemed compliance shall end upon the application being denied. If an entity employs a new medical director who is not a licensed physician in Tennessee, the entity shall be deemed to be in compliance with this section if the new medical director applies for licensure with the board of medical examiners within thirty (30) days of assuming responsibilities as the medical director. If the application for licensure is denied, such period of deemed compliance shall terminate upon the application being denied. The medical director shall be responsible for the treatment policies, protocols, quality assurance activities and utilization management decisions of the entity.

(b)(1) Any utilization management decision to deny, reduce or terminate a health care benefit or to deny payment for a health care service on the basis that the service is not medically necessary under the plan or contract of health insurance shall be the responsibility of the medical director. Any utilization management decisions affecting an emergency medical condition shall conform to the requirements of Section 56-7-2355.

(2) A utilization management decision shall not retrospectively deny coverage for health care services provided to a covered person when prior approval was obtained from the entity for those services, unless the approval was based upon fraudulent, materially inaccurate, or misrepresented information.

(c) Material noncompliance with this section may constitute a basis for the commissioner to suspend or revoke any certificate of authority issued to the entity, pursuant to Section 56-32-216.

(d) For purposes of this section only, a determination as to whether a claim should be paid or denied under the terms of a contract or plan of an entity regulated under this part shall not subject the entity to a civil action beyond those expressly provided for by current law.

SECTION 2. The provisions of this act shall not apply to plans governed by the Employee Retirement Income Security Act of 1974 ("ERISA").

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

Rep. Odom moved that House Bill No. 673 be re-referred to the House Health and Human Resources Committee.

Rep. Caldwell moved that the motion to re-refer House Bill No. 673 be tabled, which motion failed by the following vote:

Ayes	41
Noes	47
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Bittle, Bowers, Boyer, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Davis (Washington), DeBerry L., Ferguson, Fowlkes, Givens, Gunnels, Hargett, Hargrove, Head, Hood, Kent, Kerr, Kisber, McAfee, McDaniel, McKee, Montgomery, Mumpower, Newton, Phelan, Rinks, Robinson, Sands, Scroggs, Tindell, Walker, Walley, White, Williams, Wood, Mr. Speaker Naifeh -- 41.

Representatives voting no were: Arriola, Beavers, Black, Bone, Briley, Brooks, Brown, Buck, Chumney, Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., Dunn, Fitzhugh, Ford, Fraley, Godsey, Goins, Hagood, Harwell, Kernell, Maddox, McCord, McDonald, McMillan, Miller, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Roach, Sargent, Sharp, Stulce, Todd, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Whitson, Windle, Wittingham - 47.

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Representatives present and not voting were: Jackson, Jones U., Tidwell -- 3.

Rep. Caldwell moved that House Bill No. 673 be reset for the Regular Calendar on May 17, 1999, which motion prevailed.

House Bill No. 763 -- Tort Liability - Limits tort liability of street sweepers making intermittent stops and driving below posted speed limits. Amends TCA Title 55, Chapter 8. by *Buck. (*SB489 by *Haynes)

Further consideration of House Bill No. 763 previously considered on May 6, 1999, at which time it was reset for today's Calendar.

Rep. Buck moved that House Bill No. 763 be reset for the Regular Calendar on May 20, 1999, which motion prevailed.

***House Bill No. 2** -- Statutes - Codifies public acts of 1998. by *Hargrove. (SB1 by *Wilder)

Further consideration of House Bill No. 2 previously considered on February 25, 1999 and March 4, 1999, at which time the bill was re-referred to the House Judiciary Committee and reset for today's Calendar.

Rep. Hargrove requested that House Bill No. 2 be moved down 5 places on the Calendar.

***House Bill No. 760** -- Motor Vehicles - Decreases penalty for operation of a vehicle other than high occupancy vehicle in HOV lane from fine not to exceed \$50.00 to a fine not to exceed \$1.00. Amends TCA Section 55-8-188. by *Buck. (SB946 by *Burchett)

On motion, House Bill No. 760 was made to conform with **Senate Bill No. 946**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 946 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Fowlkes moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 946 By inserting the following language as a new, appropriately designated section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION __. Tennessee Code Annotated, Section 55-8-188, is further amended by adding the following language as a new, appropriately designated subsection:

() The commissioner of transportation shall establish no more than a one and one-half (1½) hour period of time in the morning and a one and one-half (1½) hour period of time in the afternoon in which HOV lanes shall be operational and shall, except as provided in subsection (c), be reserved for the exclusive use of authorized high occupancy vehicles. The provisions of this subsection shall not be applicable if the application of such subsection renders Tennessee in violation of federal laws and regulations and subject to any penalties prescribed therein.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **Senate Bill No. 946**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Hargett -- 1.

A motion to reconsider was tabled.

OUT OF ORDER

RECOGNITION IN THE WELL

Rep. Buck was recognized in the Well to introduce the gospel singers The Wilburns.

RESOLUTION READ

The Clerk read Senate Joint Resolution No. 331 honoring The Wilburns for their accomplishments in gospel music.

REGULAR CALENDAR, CONTINUED

House Bill No. 1173 -- Civil Procedure - Allows plaintiff 90 days after receiving answer or amended answer to join governmental entity as third party defendant. Amends TCA Title 20 and Title 29. by *Buck. (*SB1033 by *Miller J, *Kyle, *Cohen, *Dixon)

Rep. Buck moved that **House Bill No. 1173** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 761 -- Firearms and Ammunition - Authorizes out of state, full-time commissioned law enforcement officers to carry firearms in Tennessee. Amends TCA Title 39, Chapter 17. by *Buck. (*SB547 by *Ramsey)

Rep. Buck moved that House Bill No. 761 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 761 By changing the semicolon ";" at the end of the amendatory language of SECTION 1 to a period "." and by adding the following new language:

The defense provided by this subpart shall only be applicable if the state where the out-of-state officer is employed has entered into a reciprocity agreement with this state that allows full-time, commissioned law enforcement officers in Tennessee to lawfully carry or possess a weapon in such other state;

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved the previous question, which motion prevailed.

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Rep. Buck moved that **House Bill No. 761**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	4
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 86.

Representatives voting no were: Ferguson, Montgomery, Phillips, Rinks -- 4.

Representatives present and not voting were: Brooks, Cooper, Miller, Towns, Mr. Speaker Naifeh -- 5.

A motion to reconsider was tabled.

***House Bill No. 1024** -- Tennessee Wildlife Resources Agency - Requires reciprocal agreements relative to wildlife violations to take effect 30 days after TWRA publishes agreement; authorizes executive director to suspend or reinstate privileges under reciprocal agreement relative to wildlife violations. Amends TCA Section 70-1-302 and Section 70-1-305, by *Jackson. (SB1412 by *Rochelle)

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 1024 was made to conform with **Senate Bill No. 1412**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that **Senate Bill No. 1412** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2** -- Statutes - Codifies public acts of 1998. by *Hargrove. (SB1 by *Wilder)

Further consideration of House Bill No. 2 previously considered on today's Calendar.

On motion, House Bill No. 2 was made to conform with **Senate Bill No. 1**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Hargrove moved that **Senate Bill No. 1** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1865** -- Health, Dept. of - Expands department registry of persons who abused or neglected certain individuals to include persons who misappropriate property of vulnerable individuals; removes certain due process requirements for persons named in registry. Amends TCA Title 68, Chapter 11, Part 10. by *Mumpower, *McDaniel. (SB1786 by *Fowler)

Rep. Mumpower moved that House Bill No. 1865 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1865 by deleting in its entirety subsection (a) of Section 4 of the printed bill and by substituting instead the following language:

(a)(1) The department of health shall include the name of an individual on the registry when it receives notification from an agency of Tennessee state government that the individual has been found by that agency, pursuant to that agency's procedures and definitions, to have abused, neglected or misappropriated the property of a vulnerable person who is under eighteen (18) years of age, or who, by reason of advanced age or other physical or mental condition is vulnerable to abuse, neglect, or misappropriation of property, and who was at the time of such determination, in the care of:

- (i) a state agency;
- (ii) an entity which is licensed or regulated by a state agency; or
- (iii) an entity, under the provisions of a contract between that entity and state agency;

(2) Such notification shall consist of a copy of a final administrative order, a judicial order, or other evidence indicating that the agency has afforded the alleged perpetrator an opportunity for an administrative due process hearing pursuant to the requirements of the Uniform Administrative Procedures Act compiled in title 4, chapter 5, part 3 or equivalent judicial or administrative procedures; provided, that nothing in this part shall require the state agency to establish any new procedures or to modify any existing procedures it may use for the provision of due process to an alleged perpetrator.

(3) Such notification shall include the alleged perpetrator's last known mailing address, social security number, and the agency's definition of abuse, neglect, or misappropriation of property which it used in making the determination.

AND FURTHER AMEND by deleting in its entirety, Section 6 of the printed bill and by substituting instead the following language:

SECTION 6. Tennessee Code Annotated, Section 68-11-1006, is amended by deleting the section in its entirety and by substituting instead the following new language:

68-11-1006. Agencies or entities required to consult registry prior to hiring employees or utilizing volunteers. - (a) Any:

(1) state agency under titles 33, 37, 68 or 71;

(2) entity licensed by a state agency as defined in subdivision (1); or

(3) entity under the provisions of a contract between that entity and a state agency, as defined in subdivision (1), which has in its care any individual who is under eighteen (18) years of age, or who, by reason of advanced age or physical or mental condition is vulnerable to abuse, neglect, or misappropriation of property, shall, before hiring any employee to provide care to such vulnerable person, or before allowing a volunteer to do so, must determine whether the prospective employee or volunteer is listed on the registry.

(b) No employee or volunteer who is listed on the registry may be hired or otherwise permitted to provide such care where prohibited by federal certification requirements applicable to that entity or state agency.

AND FURTHER AMEND by deleting in its entirety, subsection (b) of Section 8 of the printed bill and by substituting instead the following language:

(b) A licensing authority which refuses to license a person listed on the registry established by this part, or which refuses to license an entity which employs or allows such a person to provide care to vulnerable persons, or a person or entity which declines to employ or otherwise utilize such a person, or which terminates such a person, shall be absolutely immune from suit by or on behalf of that person and from any liability for such actions based upon the person's listing on the registry.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Mumpower moved that **House Bill No. 1865**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 703 -- Managed Care Organizations - Revises certain provisions under independent review process of HMOs. Amends TCA Title 56, Chapter 32. by *Jones, S., *McMillan, *Caldwell. (*SB789 by *McNally, *Miller J)

On motion, House Bill No. 703 was made to conform with **Senate Bill No. 789**; the Senate Bill was substituted for the House Bill.

Rep. S. Jones moved that Senate Bill No. 789 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 789 By adding the words "initiate judicial proceedings or to" in Section 4 of the bill as amended after the words "an enrollee to" and before the words "seek independent review".

On motion, Amendment No. 3 was adopted.

Rep. S. Jones moved that **Senate Bill No. 789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 181** -- Firearms and Ammunition - Makes any person liable for failing to report possession of firearms by minors on school property. Amends TCA Section 39-17-1312. by *McKee, *Roach, *Newton. (SB1442 by *Elsea)

Rep. McKee requested that House Bill No. 181 be moved down 12 places on the Calendar.

House Bill No. 1403 -- Insurance Companies, Agents, Brokers, Policies - Clarifies that domestic insurance company's bonds or other evidences of debt having fixed term and interest rate which are deposited as security for particular reinsurance liability, continue to be valued under TCA 56-3-113; such valuation not limited to amount of particular reinsurance liability. Amends TCA Title 56. by *Fowlkes. (*SB1386 by *Rochelle)

Rep. Fowlkes moved that House Bill No. 1403 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1403 by deleting Section 2 of the printed bill in its entirety and substituting therefor the following:

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 3, Part 1, is amended by adding the following as a new Section 56-3-115:

Notwithstanding the provisions of § 56-1-405, where bonds, or other evidences of debt having a fixed term and rate of interest, of a domestic insurance company are held by or on behalf of another person in connection with a reinsurance liability of such domestic insurance company, the amount allowed as a credit against such liability shall be determined in the manner provided for in § 56-3-113, and the commissioner may allow the excess, if any, of the amount of such bonds and other evidences of debt over the amount of such liability to constitute an admissible asset of such domestic insurance company, but only if and to the extent that such bonds or other evidences of debt would constitute admissible assets except for being so held in connection with a reinsurance liability; provided, however, that the total amount of such excess that a domestic insurance company may take into account as an admissible asset shall not exceed twenty percent (20%) of such company's capital and surplus as determined at the 31st of December of the year preceding the date of such determination.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1403**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1399 -- Highway Signs - "David Crockett Parkway," U.S. 64 from I-24 to Fayette County. by *Fowlkes, *Fraley, *White, *Tidwell, *Ridgeway. (*SB650 by *Cooper)

Rep. Fowlkes moved that House Bill No. 1399 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1399 by deleting the 16th preamble clause of the introduced bill and by substituting instead the following:

WHEREAS, the Department of Transportation is currently in the process of widening and improving U.S. Highway 64 in Franklin, Lincoln, Giles, Lawrence and Wayne Counties; and

AND FURTHER AMEND by deleting Section 1 of the introduced bill and by substituting instead the following:

SECTION 1. Notwithstanding any other provision of law to the contrary, that segment of U.S. Highway 64 from its intersection with Interstate 24 at Exit 127 (Pelham/Decherd) to the western boundary of Wayne County is hereby designated as the "David Crockett Parkway" as a lasting tribute to this great Tennessee statesman and public servant.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1399**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1395 -- Probate Law - Revises law of probate, wills, guardians, conservators, trustees and inheritance, estate and gift taxes. Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35 and Title 67. by *Fowlkes. (*SB526 by *Fowler)

Rep. Fowlkes moved that **House Bill No. 1395** be passed on third and final consideration.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1395 by deleting the directory language of Section 11 and by substituting instead the following:

SECTION 11. Tennessee Code Annotated, Section 35-50-119 is amended by designating the current language as subsection (a) and by adding as a new subsection (b) and (c), the following:

AND FURTHER AMEND by designating the amendatory language of Section 11 as subsection (b) and adding as a new subsection (c) the following:

(c) The provisions of subsection (a) shall apply to any trust created by any instrument, including a will, executed on or before September 30, 1999. The provisions of subsection (b) shall apply to any trust created by any instrument executed on or after October 1, 1999.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1395 by deleting SECTION 7 of the printed bill in its entirety and by renumbering the subsequent sections accordingly.

On motion, Judiciary Committee Amendment No. 2 was adopted.

Rep. Fowlkes moved that **House Bill No. 1395**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 301** -- Workers' Compensation - Increases from \$4,500 to \$9,000 amount of burial expenses paid for deceased employee who died from injury or occupational disease. Amends TCA Section 50-6-204. by *Maddox, *Bowers. (SB708 by *Herron, *Dixon, *Williams, *Crowe)

On motion, House Bill No. 301 was made to conform with **Senate Bill No. 708**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 708 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Maddox moved that **Senate Bill No. 708** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

***House Bill No. 299** -- Mental Retardation - Makes certain changes to requirements for background checks on employment applicants and volunteers who work with mentally ill persons or persons with developmental disabilities Amends TCA Title 33. by *Maddox. (SB416 by *Herron)

Rep. Maddox moved that House Bill No. 299 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 299 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-1-209(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

Section 33-1-209(c)(1). All organizations licensed as facilities pursuant to title 33, chapter 2, part 5, having employees who provide services and supports to persons with developmental disabilities must conduct background checks as described in this section on such employees hired on or after July 1, 1999. Any person who applies for employment with such an organization in a position that includes direct responsibility for person(s) with developmental disabilities shall:

(A) Provide past work history containing a continuous description of activities over the past five (5) years; and

(B) Identify at least three (3) individuals as personal references, one (1) of which shall have known the applicant for at least five (5) years; and

(C) Release all investigative records to the organization for examination for the purpose of verifying the accuracy of criminal violation information contained on an application to work for such organization; and

(D) Supply fingerprint samples to be submitted for a criminal history records check to be conducted by the Tennessee bureau of investigation/federal bureau of investigation; or

(E) Release information for a criminal background investigation by a Tennessee licensed private investigation company.

(2) Organization shall check past work and personal references prior to employment of applicants. At a minimum the organization shall communicate directly with the most recent employer and each employer identified by the applicant as having employed the applicant for more than six (6) months in the past five (5) years. The organization shall communicate directly with at least two (2) of the personal references identified by the applicant. Within or prior to ten (10) days of employment of such person, organizations shall submit the information required to be provided by this subsection to the entity which will conduct the criminal background check.

(3) Any cost incurred by the Tennessee bureau of investigation, the federal bureau of investigation, or a Tennessee licensed private investigation company shall be paid by the organization requesting such investigation and information. If the background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, the payment of such costs shall be made in the amounts established by Tennessee Code Annotated, Section 38-6-103.

(4) As used in this subsection and 38-6-114(c), "organization(s)" means any facility licensed under title 33, chapter 2, part 5, which provides services to persons with developmental disabilities through contract with the division of mental retardation services or intermediate care facilities for persons with mental retardation (ICF/MR).

SECTION 2. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Maddox moved that **House Bill No. 299**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1823** -- Motor Vehicles - Creates Class C misdemeanor offense for bailee failing to report theft of bailed motor vehicle; codifies common law in creation of bailment when owner leaves motor vehicle and keys with person in order for person to perform mechanical, parking or other services for consideration; creates assumption of bailee's negligence when bailed motor vehicle not returned to owner. Amends TCA Title 39, Chapter 14, Part 1 and Title 55, Chapter 5. by "DeBerry J, *Miller L. (SB1893 by *Kyle)

Rep. J. DeBerry moved that House Bill No. 1823 be reset for the Regular Calendar on May 17, 1999, which motion prevailed.

House Bill No. 1370 -- Boats, Boating - Specifies regulation fee rates for salvaged vessels; requires persons operating vessels to have identification; exempts certain persons and vessels from operating requirements; makes other various changes to boating regulations. Amends TCA Section 69-10-207(b); Section 69-10-216; Section 69-10-220 and Section 69-10-506. by *McCord, *Bittle. (*SB415 by *Ramsey)

Rep. McCord moved that House Bill No. 1370 be passed on third and final consideration.

Rep. Hargett moved the previous question, which motion prevailed.

Rep. McCord moved that **House Bill No. 1370** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes90

Noes3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Armstrong, Ferguson, Tidwell -- 3.

A motion to reconsider was tabled.

House Bill No. 1254 -- Tort Liability - Enacts "Good Samaritan Protection Act." Amends TCA Title 29, Chapter 34, Part 2. by *Newton, *Briley, *Sands. (*SB791 by *Cohen, *Person, *Carter, *McNally, *Miller J, *Williams, *Crowe)

On motion, House Bill No. 1254 was made to conform with **Senate Bill No. 791**; the Senate Bill was substituted for the House Bill.

Rep. Newton moved that Senate Bill No. 791 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 791 by deleting subsections (b) and (c) of the amendatory language of SECTION 2 and by substituting instead the following:

(b) A person who accidentally or intentionally causes property damage to or inflicts injury or death upon the perpetrator of a criminal offense is absolutely immune from civil liability for or the payment of monetary damages from such person's actions if at the time such damage, injury or death occurred:

(1) The person was preventing or attempting to prevent the perpetrator from committing the offense or was apprehending the perpetrator of the offense; and

(2) The perpetrator was committing one (1) or more of the offenses specified in subsection (c)(1)—(c)(9) or was attempting to commit one (1) or more of the offenses specified in subsection (c)(10).

The immunity conferred by this subsection shall only apply to property damage caused to or injury or death inflicted upon a perpetrator of an enumerated offense and only under the conditions set out in this subsection. Such immunity shall not be construed to extend to property damage caused to or injury or death inflicted upon a bystander or other person who is not the perpetrator of an enumerated offense.

(c) The offenses for which such immunity applies are:

- (1) any criminal homicide,
- (2) aggravated rape,
- (3) kidnapping,
- (4) aggravated kidnapping,
- (5) especially aggravated kidnapping,
- (6) especially aggravated burglary,
- (7) aggravated robbery,
- (8) especially aggravated robbery,
- (9) carjacking, and
- (10) attempt to commit first or second degree murder.

On motion, Judiciary Committee Amendment No. 1 was adopted.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Newton requested that Senate Bill No. 791 be moved to the heel of the Calendar.

***House Bill No. 1762** -- Hospitals and Health Care Facilities - Enacts "Tennessee Eden Alternative Grant Assistance Program Act"; authorizes pilot programs in certain facilities to assist in implementation of act; authorizes use of up to \$50,000 from trust programs for grants. Amends TCA Title 68, Chapter 11, Part 8. by *Williams (Williamson). (SB1829 by *Henry, *Rochelle)

Rep. Williams moved that **House Bill No. 1762** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1772 -- Nurses, Nursing - Specifies that certified nurse midwives and nurses in advanced practice shall not be subject of discrimination by managed health insurance issuers. Amends TCA Title 56, Chapter 32, Part 2. by *Cole (Dyer), *Phelan, *Rinks, *Walley, *McKee, *Givens, *Ridgeway, *Westmoreland, *Black, *Sands. (*SB1690 by *Davis L, *Crutchfield)

Rep. Cole (Dyer) moved that House Bill No. 1772 be passed on third and final consideration.

Rep. Arriola moved the previous question, which motion prevailed.

Rep. Cole (Dyer) moved that **House Bill No. 1772** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Cooper, Rhinehart -- 2.

A motion to reconsider was tabled.

House Bill No. 954 -- Firearms and Ammunition - Defines "personalized handgun"; restricts selling, assigning or otherwise transferring any handgun in this state unless it is personalized handgun; provides for personalized handgun study commission. Amends TCA Title 39, Chapter 17, Part 13. by *Brooks, *Cooper B, *Jones, S., *Brown, *Pruitt, *DeBerry L, *Bowers. (*SB469 by *Harper)

Further consideration of House Bill No. 954 previously considered on May 12, 1999, at which time it was reset for today's Calendar.

Rep. Brooks moved that House Bill No. 954 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

RULES SUSPENDED

Rep. Windle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 358 out of order, which motion prevailed.

Senate Joint Resolution No. 358 -- Memorials, Personal Occasion - Thurman Lavender, 102nd birthday. by *Davis L.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Windle, the resolution was concurred in.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 493** -- Local Government, General - Expands regulation under Tennessee Passenger Transportation Services Act to include limousines, sedans, and shuttles in addition to taxicabs; includes compliance and liability requirements; removes certain language concerning authority of department of safety to regulate passenger services. Amends TCA Title 7, Chapter 51. by *Haynes. (HB983 by *Jones, S., *Odom, *Langster, *Garrett, *Robinson, *Harwell)

Further consideration of Senate Bill No. 493 previously considered on May 12, 1999, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment No. 1 and reset the bill for today's Calendar.

Rep. S. Jones moved that Senate Bill No. 493, as amended, be passed on third and final consideration.

Rep. Turner (Hamilton) requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. S. Jones moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 493 By deleting all the language in its entirety following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 10, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) In addition to exercising all the authority granted by all other provisions of this part, every governmental entity in any county having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census, is empowered to regulate entry into the business of providing passenger transportation service, including but not limited to, limousine, sedan, shuttle and taxicab service.

(b) As used in this section:

(1) "Limousine" means any motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transport of persons. The vehicle will have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) in number, exclusive of the chauffeur/driver and the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto.

(2) "Sedan" means any motor vehicle except a limousine or taxicab designed or constructed to accommodate and transport passengers for hire which does not have an extended wheel base or an expanded seating capacity designed for the transport of persons. The vehicle will have no additional rear seating capacity, area or comforts; shall be designed to transport not more than five (5) passengers, exclusive of the chauffeur/driver and the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and not operated on a fixed route or schedule.

(3) "Shuttle" means any motor vehicle designed or constructed to accommodate and transport passengers for hire, not more than fifteen (15) in number, exclusive of the driver and the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and operated on a fixed route or schedule.

(4) "Taxicab" means any motor vehicle except a limousine or sedan designed or constructed to accommodate and transport passengers for hire, not more than nine (9) in number, exclusive of the driver and the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and not operated on a fixed route or schedule.

(c) In any county to which this section applies, limousines, sedans, shuttles and taxicabs, as defined in this section, shall comply with the safety rules and regulations and the liability insurance requirements contained in Title 65, Chapter 15.

SECTION 2. Tennessee Code Annotated, Section 7-51-1005(a), is amended by deleting the word "This", and by substituting instead the language "Except as provided in subsection (c) of the new section added by this act, this"

SECTION 3. Tennessee Code Annotated, Section 7-51-1005(b), is amended by deleting the word "Nothing", and by substituting instead the language "Except as provided in subsection (c) of the new section added by this act, nothing".

SECTION 4. This act shall take effect upon passage, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Turner (Hamilton) moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. S. Jones moved that **Senate Bill No. 493**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 181** -- Firearms and Ammunition - Makes any person liable for failing to report possession of firearms by minors on school property. Amends TCA Section 39-17-1312. by *McKee, *Roach, *Newton. (SB1442 by *Elsa)

Further consideration of House Bill No. 181 previously considered on today's Calendar.

Rep. McKee requested that House Bill No. 181 be moved to the heel of the Calendar.

House Bill No. 1442 -- Firearms and Ammunition - Makes failure to report minor's possession of firearm on school property Class A misdemeanor. Amends TCA Title 39, Chapter 17. by *Chumney, *Ferguson, *Brooks, *Ridgeway, *Williams (Williamson), *Jones, S., *Fowlkes, *Bowers, *Cooper B, *Kernell, *Turner (Hamilton), *Godsey, *Montgomery, *Brown. (*SB1187 by *Cohen, *Crowe)

Further consideration of House Bill No. 1442 previously considered on May 10, 1999 and May 12, 1999, at which time it was reset for today's Calendar.

Rep. Chumney moved that House Bill No. 1442 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1442 By deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1312, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) It is an offense if a person eighteen (18) years of age or older, including a parent or other legal guardian, knows that a minor is in illegal possession of a firearm in or upon the premises of a public or private school, in or on such school's athletic stadium or other facility or building where school-sponsored athletic events are conducted, or public park, playground or civic center, and such person, parent or guardian fails to prevent such possession or fails to report it to the appropriate school or law enforcement officials.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1442 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1312, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) It is an offense if a person eighteen (18) years of age or older, including a parent or other legal guardian, knows that a minor or student is in illegal possession of a firearm in or upon the premises of a public or private school, in or on such school's athletic stadium or other facility or building where school-sponsored athletic events are conducted, or public park, playground or civic center, and such person, parent or guardian fails to prevent such possession or fails to report it to the appropriate school or law enforcement officials.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Chumney moved that **House Bill No. 1442**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	7
Present and not voting	2

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Baird, Beavers, Black, Kerr, Phillips, Rhinehart, Turner (Shelby) -- 7.

Representatives present and not voting were: Boyer, Stulce -- 2.

A motion to reconsider was tabled.

***House Bill No. 585** -- Firearms and Ammunition - Reserves exclusively to state right to sue and recover damages from firearms and ammunition manufacturers for lawful sale of firearms and ammunition; pre-empt local regulation of gun shows Amends TCA Title 39, Chapter 17, Part 13. by *Bittle, *Buck, *Jackson, *Buttry, *Newton, *Tidwell, *Gunnels, *Pleasant, *Walker (Rhea), *McKee, *Montgomery, *Davis (Washington), *Sands, *Walley, *Hargett, *Davis (Cocke), *Scroggs, *Wood, *Ridgeway, *Roach, *Beavers, *Ford S, *Hagood, *McCord. (SB1523 by *Ramsey)

Further consideration of House Bill No. 585 previously considered on today's Calendar.

Rep. Bittle moved that House Bill No. 585 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 585 By adding the following new subdivision to subsection (c) of the amendatory language of Section 2:

(3) Nothing in this subsection shall preclude an individual from bringing a cause of action for breach of a written contract, breach of an express warranty, or for injuries resulting from defects in the materials or workmanship in the manufacture of the firearm.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 585 by deleting Section 1 in its entirety.

AND FURTHER AMEND by deleting from Section 3 the language "pending on or".

On motion, Judiciary Committee Amendment No. 2 was adopted.

Rep. Buck moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Jackson moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 585 By adding the following new subdivision to subsection (c) of the amendatory language of Section 2:

SECTION _____. The provisions of this act shall not apply in any litigation brought by an individual against a firearms or ammunition manufacturer, trade association or dealer.

On motion, Amendment No. 4 was adopted.

Rep. Jackson moved the previous question, which motion prevailed.

Rep. Bittle moved that **House Bill No. 585**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	8
Present and not voting	5

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Caldwell, Cooper, Miller, Turner (Hamilton) -- 8.

Representatives present and not voting were: DeBerry J., DeBerry L., Jones U., Kernell, Turner (Shelby) -- 5.

A motion to reconsider was tabled.

***Senate Bill No. 791** -- Tort Liability - Enacts "Good Samaritan Protection Act." Amends TCA Title 29, Chapter 34, Part 2. by *Cohen, *Person, *Carter, *McNally, *Miller J, *Williams, *Crowe. (HB1254 by *Newton, *Briley, *Sands, *Bunch, *Goins, *Hargett, *Todd, *Baird, *Beavers, *Black, *McCord)

Further consideration of Senate Bill No. 791 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 1.

Rep. Newton moved that Senate Bill No. 791, as amended, be passed on third and final consideration.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Newton moved that **Senate Bill No. 791**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	4
Present and not voting	3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks, Cooper, Jones U., Turner (Shelby) -- 4.

Representatives present and not voting were: Armstrong, Hargrove, Kisber -- 3.

A motion to reconsider was tabled.

***House Bill No. 181** -- Firearms and Ammunition - Makes any person liable for failing to report possession of firearms by minors on school property. Amends TCA Section 39-17-1312. by *McKee, *Roach, *Newton. (SB1442 by *Elsea)

Further consideration of House Bill No. 181 previously considered on today's Calendar.

Rep. McKee moved that House Bill No. 181 be reset for the Regular Calendar on May 17, 1999, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 297** -- Safety - Requires fire drills three times a year rather than twice a month in buildings occupied by educational institutions. Amends TCA Section 68-102-137. by *Maddox, *Ridgeway, *Pinion, *Cole (Dyer), *Tidwell. (SB1437 by *Herron)

Senate Amendment No. 1

AMEND House Bill No. 297 By deleting Section 1 in its entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 68-102-137(b), is amended by deleting the words "Fire drills shall be held at least twice a month", and by substituting instead the language "Fire drills requiring full evacuation shall be held at least once a month during the school year, with an additional fire drill to be conducted within the first thirty (30) days of operation".

Rep. Maddox moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 297**, which motion prevailed.

Senate Amendment No. 2

AMEND House Bill No. 297 by adding a new Section 2 to the printed bill and renumbering subsequent section(s) accordingly so that, as amended, Section 2 shall read:

Section 2. Tennessee Code Annotated, Section 68-102-137, is further amended by adding a new subsection (f) which shall read as follows:

(f) In addition to the fire drills required by this section in educational occupancies, safety drills not requiring full evacuation of all persons from the building shall be conducted at least three (3) times during each school year. A record of all safety drills, including the time and date, shall be kept in the respective school offices, and shall be made available upon request to the state fire marshal, the state fire marshal's deputies or assistants for inspection and review.

Rep. Maddox moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 297**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 321** -- Education - Requires seven safety drills per school term rather than two; specifies that at least four drills shall involve evacuation of entire building. Amends TCA Section 49-5-201. by *Maddox, *Ridgeway, *Pinion, *Cole (Dyer), *Tidwell. (SB1438 by *Herron)

Senate Amendment No. 1

AMEND House Bill No. 321 by deleting Section 1 in its entirety and substituting instead the following new section:

SECTION 1. Tennessee Code Annotated, Section 49-5-201(a), is amended by deleting subdivision (7) in its entirety and substituting the following:

(7) Give one (1) fire drill requiring full evacuation every month during the school year, with an additional fire drill to be conducted within the first thirty (30) days of operation, and three (3) additional safety drills during the school year, which may include inclement weather, earthquake, intruder, or other emergency drills not requiring full evacuation.

Rep. Maddox moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 321**, which motion prevailed.

Senate Amendment No. 2

AMEND House Bill No. 321 by adding a new Section 2, as follows, and renumbering subsequent sections accordingly.

SECTION 2. The state board of education shall review all fire and safety drill requirements and shall make a recommendation to the senate and house education committees during the year 2000 for implementing effective school fire and safety program requirements in the state of Tennessee.

Rep. Maddox moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 321**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 530** -- Consumer Protection - Adds provisions to limit unsolicited advertising by electronic mail (anti-spamming). Amends TCA Title 47, Chapter 18. by *Hargrove, *Bowers, *Hargett, *Pleasant, *Langster, *Kisber, *Hagood, *Todd, *Boyer. (SB690 by *Kyle, *Burchett, *Cohen, *Person, *Burks, *Harper, *Crowe)

Rep. Hargrove moved that House Bill No. 530 be reset for the Message Calendar on May 17, 1999, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 985 -- Election Laws - Redesignates certain Class C misdemeanors as Class E felonies under election laws. Amends TCA Title 2, Chapter 19, Part 1. by *Hargrove, *DeBerry L, *Naifeh, *Langster. (*SB870 by *Burks)

Senate Amendment No. 1

AMEND House Bill No. 985 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-19-101, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class A misdemeanor".

SECTION 2. Tennessee Code Annotated, Section 2-19-103, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class A misdemeanor".

SECTION 3. Tennessee Code Annotated, Section 2-19-111, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class A misdemeanor".

SECTION 4. Tennessee Code Annotated, Section 2-19-115, is amended by deleting the language "Class C misdemeanor" and substituting instead the language "Class A misdemeanor".

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 985**, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1406 -- County Officers - Provides that county building commissioner shall be appointed by chief executive officer of county and confirmed by county legislative body. Amends TCA Section 13-7-110. by *Fowlkes. (*SB557 by *Cooper)

Senate Amendment No. 1

AMEND House Bill No. 1406 by deleting the word "The" from second sentence in the amendatory language of Section 1, and by substituting instead the language "Except in any county having a population of not less than twenty-seven thousand one hundred (27,100) nor more than twenty-seven thousand four hundred (27,400), according to the 1990 federal census or any subsequent federal census, the".

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1406**, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1417 -- Education, Higher - Authorizes board of trustees of baccalaureate education system trust fund program to enter educational services plan and educational savings plan contracts with purchasers. Amends TCA Title 49, Chapter 7, Part 8. by *Davidson, *Davis (Cocke). (*SB1233 by *Haynes, *Crowe)

Senate Amendment No. 1

AMEND House Bill No. 1417 by deleting the amendatory language of SECTION 18 of the printed bill in its entirety and by substituting instead the following:

(1)(A) Refund to the person designated in the contract an amount equal to the value of the tuition benefits in the beneficiary's account that are not needed to cover tuition or other educational costs on account of the scholarship, waiver or similar subvention and which would have otherwise been paid during that academic term at the institution of higher education where the beneficiary is enrolled. The board may, at its sole option, designate the institution of higher education at which the beneficiary is enrolled as the agent of the board for purposes of refunds pursuant to this subdivision;

(B) If the scholarship, waiver of tuition or similar subvention has a duration that extends beyond one (1) academic term, the beneficiary may request a refund in advance of the scholarship payment. The amount of the refund payable to the person designated in the contract shall equal the value of the tuition benefits in the beneficiary's account that are not needed to cover tuition or other educational costs on account of the scholarship, waiver or similar subvention, minus a penalty on the earnings portion, if any, of the refund. The amount of such penalty shall be equal to the safe harbor penalty as provided under the regulations of the internal revenue service which are applicable to the program. The refund provided by this subdivision (1)(B) shall be determined without regard to any time limits on the use of tuition benefits;

(2) Retain the tuition benefits in the beneficiary's account for later use; or

(3) Transfer the tuition benefits to a new beneficiary pursuant to such rules or regulations promulgated by the board pursuant to § 49-7-805(16).

AND FURTHER AMEND by adding the following as new SECTIONS 38, 39, and 40 respectively, and by redesignating the existing SECTIONS accordingly:

SECTION 38. Tennessee Code Annotated, Section 49-7-804(a), is amended by deleting the word and figure "eight (8)" and by substituting instead the word and figure "nine (9)".

SECTION 39. Tennessee Code Annotated, Section 49-7-804(a), is further amended by deleting subdivisions (7) and (8) thereof in their entireties and by substituting instead the following:

(7) The executive director of the Tennessee student assistance corporation, ex officio;

(8) The executive director of the Tennessee higher education commission, ex officio; and

(9) One (1) representative of the Tennessee independent colleges and universities association appointed by the state treasurer from a list of two (2) nominees submitted by the board of directors of the Tennessee independent colleges and universities association. Such representative shall be appointed for a term of three (3) years. Any person so appointed shall be eligible for reappointment and shall serve until a successor qualifies.

SECTION 40. Tennessee Code Annotated, Title 49, Chapter 7, Part 8, is amended by adding the following as a new, appropriately designated section:

49-7-8_. Scholarship Programs. (a) The state or any department, division or agency thereof may establish a scholarship program to award scholarships to students which consist of contributions and earnings accrued in a savings account created through the educational savings plan established pursuant to § 49-7-808. Any scholarship program established under this section shall be registered with the board.

(b) Notwithstanding any provision of this part to the contrary, the entity establishing and maintaining a scholarship program under this section shall not be required to select the scholarship beneficiary at the time the scholarship program is established. Provided, however, the entity establishing the scholarship program shall select the scholarship beneficiary and notify the board of the same by no later than thirty (30) calendar days prior to the start of the academic term in which the tuition benefits under the program are to be applied. The notification shall be in writing and shall include the name, address and social security number of the scholarship beneficiary, the amount of the redemption value of the account awarded, and a statement specifying whether the scholarship beneficiary may receive a refund under the provisions of this part. The entity establishing the scholarship program shall select the scholarship beneficiaries in accordance with criteria established by the entity.

(c) If a scholarship beneficiary does not use tuition benefits awarded hereunder within a length of time as specified under the scholarship program, the entity may select and award such benefits to a new beneficiary.

(d) The board may, through the promulgation of rules and regulations, authorize political subdivisions of the state and organizations that are exempt from federal income taxation under § 501 (a) and described in § 501 (c)(3) of the Internal Revenue Code to establish scholarship programs pursuant to the provisions of this section.

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1417, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. McDaniel, **House Bill No. 280** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. McDaniel, **House Bill No. 281** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Godsey, **House Bill No. 618** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Godsey, **House Bill No. 620** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 17, 1999:

House Bill No. 1290: by Rep. U. Jones

House Bill No. 1031: by Rep. U. Jones

Senate Bill No. 210: by Rep. Ferguson

House Bill No. 688: by Rep. S. Jones

House Bill No. 1594: by Rep. West

House Bill No. 195: by Rep. Kisber

Senate Bill No. 1825: by Rep. Sands

RULES SUSPENDED

Rep. Kisber moved that the following rule be suspended for the House Finance, Ways and Means Committee, without objection, for the remainder of the 1999 Legislative Session:

Rule No. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 231: Rep(s). J. DeBerry as prime sponsor(s).

House Bill No. 538: Rep(s). J. DeBerry as prime sponsor(s).

House Bill No. 592: Rep(s). Brooks as prime sponsor(s).

House Bill No. 674: Rep(s). Brooks as prime sponsor(s).

House Bill No. 1704: Rep(s). Turner (Shelby) as prime sponsor(s).

House Bill No. 1796: Rep(s). J. DeBerry as prime sponsor(s).

House Bill No. 1807: Rep(s). Miller as prime sponsor(s).

REPORT OF CHIEF ENGROSSING CLERK

May 13, 1999

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 243, 528, 1102, 1158, 1449, 1586, 1850; also, House Joint Resolution(s) No(s). 214, 215, 217, 218 and 219.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 509, 917, 1587, 1595, 1604, 1609; also, Senate Joint Resolution(s) No(s). 331 and 344 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 13, 1999

The Speaker signed the following: Senate Bill(s) No(s). 509, 917, 1587, 1595, 1604, 1609; also, Senate Joint Resolution(s) No(s). 331 and 344.

ENGROSSED BILLS

May 13, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 229, 232, 233 and 234.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 359; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 359 -- Naming and Designating - "Storytelling Day on Capitol Hill," May 18, 1999. by *Crowe.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 735; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 222; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 781, 1426 and 1453; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 13, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 214, 215, 217, 218 and 219, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS

May 13, 1999

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 55; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 13, 1999**

The Speaker signed the following: House Resolution(s) No(s). 55.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 13, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 252, 835 and 993; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS
May 13, 1999**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 252, 735, 781, 835, 993, 1426, 1453, also, House Joint Resolution(s) No(s) 222.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 13, 1999**

The Speaker signed the following: House Bill(s) No(s). 252, 735, 781, 835, 993, 1426, 1453; also, House Joint Resolution(s) No(s). 222.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
May 13, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 299, 585, 761, 1173, 1370, 1395, 1399, 1403, 1442, 1762, 1772 and 1865.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 13, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328 and 329; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
May 13, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328 and 329.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 252, 735, 781, 835, 993, 1426, 1453; also, House Joint Resolution(s) No(s). 222; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 13, 1999

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 252, 735, 781, 835, 993, 1426, 1453; also, House Joint Resolution(s) No(s). 222.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 104, 121, 124, 125, 131, 133, 146, 149, 152, 184, 240, 274, 306, 486, 488, 764, 922, 961, 962, 1082, 1380, 1451, 1616 and 1769; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 104** -- Sunset Laws - Board of dentistry, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 5. by *Springer. (HB357 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 121** -- Sunset Laws - Department of health, June 30, 2006. Amends TCA Title 4, Chapters 3 and 29. by *Springer. (HB398 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 124** -- Sunset Laws - Board of communication disorders and sciences, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 17. by *Springer. (HB352 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 125** -- Sunset Laws - Board of chiropractic examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 4. by *Springer. (HB339 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 131** -- Sunset Laws - Board of polygraph examiners, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 27. by *Springer. (HB344 by *Kernell, *Garrett, *Brooks)

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

***Senate Bill No. 133** -- Sunset Laws - Private investigation commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 26. by *Springer. (HB343 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 146** -- Sunset Laws - Emergency medical services board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140. by *Springer. (HB371 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 149** -- Sunset Laws - Water quality control board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by *Springer. (HB373 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 152** -- Sunset Laws - Private protective services board, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 35. by *Springer. (HB347 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 184** -- Education - Requires LEAs to implement in grades 1 through 6 intervention program that utilizes conflict resolution and decision-making strategies to prevent disruptive acts by students within school and on school property; guidance counselors to serve as resource and consultant to teachers in implementing program. Amends TCA Title 49, Chapter 2 and Section 49-6-303. by *Dixon, *Harper. (HB220 by *Pruitt, *Langster)

***Senate Bill No. 240** -- Teachers, Principals and School Personnel - Enacts "Tennessee School Employee Religious Liberty Act of 1999." Amends TCA Title 49, Chapter 6. by *Herron, *Dixon, *Williams, *Burks, *Kurita, *Kyle, *Graves, *Davis L. (HB415 by *Fitzhugh, *Maddox, *Pinion, *Ridgeway, *Tidwell, *Cole (Dyer), *Todd, *White, *Goins, *Ford S, *Patton, *McKee, *Roach, *Dunn, *Montgomery, *Godsey, *Buttry, *Turner (Hamilton), *Towns)

Senate Bill No. 274 -- Fireworks - Authorizes sale at retail of D.O.T. Class C common fireworks in East Ridge; applies provisions of TCA Title 68, Chapter 104, Part 1 to sale of fireworks. by *Fowler. (*HB267 by *Sharp)

Senate Bill No. 306 -- Contractors - Establishes licensure procedures and requirements for residential and light commercial electrical contractors. Amends TCA Title 62, Chapter 6, Part 1. by *Atchley. (*HB275 by *Curtiss, *Phelan, *Gunnels, *Head, *Mumpower, *Godsey, *McDaniel, *Sargent, *Bittle, *Kisber, *Bowers, *Kent, *Walker (Rhea))

***Senate Bill No. 486** -- Jails, Local Lock-ups - Upon adoption of resolution or ordinance by 2/3 vote by county or municipal legislative body to establish a plan to charge an inmate a fee not exceeding actual cost, allows administrator of jail or workhouses to recover cost of hygiene and clothing items issued to inmates from inmates' jail trust accounts. Amends TCA Title 41, Chapter 4, Part 1. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack. (HB981 by *Jones, S., *Odum, *Briley, *Garrett, *Robinson, *Harwell, *Todd, *Hargett)

***Senate Bill No. 488** -- Gas, Petroleum Products, Volatile Oils - Clarifies authority of intrastate natural gas pipeline corporations to sell, transport and distribute natural gas. Amends TCA Section 7-82-301 and Title 65. by *Haynes, *Harper. (HB1733 by *Arriola, *McAfee, *Jones U (Shelby), *Cooper B, *Towns, *Miller L)

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

***Senate Bill No. 764** -- Dentists - Adds as new power to board of dentistry to provide for any on-site evaluations of facilities, equipment and personnel of dentists as board determines appropriate in interest of public safety. Amends TCA Section 63-5-105. by *Burchett. (HB884 by *Hagood)

***Senate Bill No. 922** -- Municipal Government - Declares graffiti on public property or visible from publicly owned property to be public nuisance which may be abated by civil action or suit in circuit or chancery court; authorizes municipalities to adopt ordinance to use municipal funds to remove graffiti under certain circumstances. Amends TCA Title 6, Chapter 54. by *Harper. (HB979 by *Briley, *Garrett, *Robinson, *Harwell, *Pruitt, *Langster, *Turner (Hamilton))

Senate Bill No. 961 -- Highways, Roads and Bridges - Includes S.R. 444 in Loudon County within scenic highway system Amends TCA Title 54, Chapter 17. by *Miller J. (*HB775 by *Gunnels)

Senate Bill No. 962 -- Business Organizations - Authorizes president and secretary of corporation to be same person or entity if such person or entity only shareholder of such corporation; permits limited liability company to exist with only one member, instead of with two or more members. Amends TCA Title 48, Chapter 18 and Chapter 203. by *Miller J. (*HB492 by *Hargett)

***Senate Bill No. 1082** -- Education, Higher - Revises law on university research. Amends TCA Section 10-7-504 and Section 49-7-120. by *Womack. (HB1344 by *Davidson, *Caldwell)

Senate Bill No. 1380 -- Tobacco, Tobacco Products - Rewrites Prevention of Youth Access to Tobacco Act; adds civil offense of minor possessing tobacco product, punishable by juvenile court citation; modifies department of agriculture enforcement; creates new civil penalties subject to UAPA hearings. Amends TCA Title 39, Chapter 17, Part 15. by *Person, *Carter, *Williams, *Dixon. (*HB1027 by *Jackson, *Bowers, *Caldwell, *Ferguson, *Fitzhugh, *Maddox, *Jones, S., *Brooks, *Jones U (Shelby), *Kernell, *Langster, *Pruitt, *Brown, *Turner (Hamilton))

***Senate Bill No. 1451** -- Managed Care Organizations - Establishes procedure for prompt payment of provider claims by HMOs involved in TennCare program. Amends TCA Section 56-32-226 and Title 71, Chapter 5. by *Atchley, *Crowe, *Herron, *McNally. (HB1535 by *Kisber, *Hargrove, *McDaniel, *Walker (Rhea), *Caldwell, *Jones, S., *Maddox, *Eckles, *Hood, *Stulce, *Davis (Washington), *Montgomery, *White, *Hagood, *Langster, *Beavers, *Pleasant, *Hargett, *Newton, *Black, *Bone, *Davidson, *West, *Buttry, *Pinion, *Odom, *Cole (Carter), *Kent, *McMillan)

Senate Bill No. 1616 -- Transportation, Dept. of - Clarifies certain aspects of process of removal, relocation or adjustment of utility facilities in conjunction with construction projects undertaken by department. Amends TCA Title 54, Chapter 5, Part 8. by *Haun, *McNally. (*HB1132 by *Buttry, *McDaniel, *Cooper B, *Head)

Senate Bill No. 1769 -- Probation and Parole - Clarifies offenses for which concurrence of four members of board of probation and parole needed for grant of parole; adds certain new provisions concerning grant or rescission of parole. Amends TCA Title 40. by *Fowler. (*HB1847 by *McKee, *Todd)

THURSDAY, MAY 13, 1999 -- THIRTIETH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR
May 13, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 482, per your request.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1, 708 and 1412; also, Senate Joint Resolution(s) No(s). 358 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
May 13, 1999

The Speaker signed the following: Senate Bill(s) No(s). 1, 708 and 1412; also, Senate Joint Resolution(s) No(s). 358.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 985 and 1417; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 13, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 92; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 92** -- Sunset Laws - Council for hearing instrument specialists, June 30, 2007. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17. by *Springer. (HB368 by *Kernell, *Garrett, *Brooks)

CONSENT CALENDAR
May 13, 1999

The following local bills have been placed on the Consent Calendar for **May 17, 1999**: House Bill(s) No(s) 1969, 1972, 1976 and 1977.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 5:00 p.m., Monday, May 17, 1999.